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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,379	04/09/2004	Fred Alan Bishop	80655.8517	1600
66170 7590 07/31/2008 Snell & Wilmer L.L.P. (AMEX) ONE ARIZONA CENTER 400 E. VAN BUREN STREET PHOENIX, AZ 85004-2202				
EXAMINER AGWUMEEZE, CHARLES C				
ART UNIT 3685		PAPER NUMBER		
NOTIFICATION DATE 07/31/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/821,379

Applicant(s)

BISHOP ET AL.

Examiner

CHARLES C. AGWUMEZIE

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3685

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5, 7-12 and 51-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5, 7-12 and 51-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgments

1. Applicants' amendment filed on April 17, 2008 is acknowledged. Accordingly claims 5, 7-12, 51-57 remain pending.

Change of Examiner

2. Applicants are advised to address all future correspondences pertaining to this application to Examiner Charles C.L. Agwumezie who is currently assigned to this case.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 5, 7-12, 51-57, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as originally filed contains no support for **"editing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client."**(claims 5 and 57), **wherein said editing of said executable commands..**

(claim 7). There are new claims without support in the specification. This is the first instance of this invention that is unrelated and unsupported by the original filing.

Cancellation of new matter is required.

Response to Arguments

4. Applicant's arguments filed April 17, 2008 have been fully considered but they are not persuasive.

5. With respect to claims 5, Applicant argues that Guheen and Green do not include any discussion of "editing executable commands". As such neither Guheen, Green, nor any combination thereof, disclose or contemplate at least, "editing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client" as recited in independent claim 5.

6. In response, Examiner respectfully submits that Applicant's argument has no merits since Applicant is arguing an invention without support in the specification. Examiner has read the entire specification and cannot find any support for the claimed limitations **"editing at least a portion of said executable commands such that said executable commands still remain in said trusted portion, but cannot be executed by said network client."**(claims 5 and 57), **wherein said editing of said executable commands.. (claim 7)**. Accordingly proper corrections are required.

7. With respect to dependent claims 7-12, Applicant argues depend from independent claim 5 and are therefore patentable for the same reasons as recited for claim 5 as well as in view of their own respective features.
8. In response, Examiner respectfully disagrees and submits that claims 7-12 are not patentable either being dependent from claim 5 or for their own recited features.
9. With respect to new claims 51-56, Applicant argues depend from independent claim 5 and are therefore patentable for the same reasons as recited for claim 5 as well as in view of their own respective features.
10. In response, Examiner respectfully disagrees and submits that claims 51-56 are not patentable either being dependent from claim 5 or for their own recited features.
11. With respect to claim new independent claims 57, Applicant argues contains similar elements as claim 5 and are therefore patentable for the same reasons as recited for claim 5 in addition to its own respective features.
12. In response, Examiner respectfully disagrees and submits that claim 57 is not patentable for the same reasons given above as in claim 5. Examiner has reviewed the specification and found no support for "said network server edits at least a portion of said executable command for insertion into a response, such that said executable command still remains in said trusted portion, but cannot be executed by said network client." Accordingly proper correction is required.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 5, 7-12 and 51-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (hereinafter Guheen), US 6,473,794 B1 in view of Green et al. (hereinafter Green), US 5,913,024.**

15. As per claims 5 and 57, Guheen discloses a method for protecting a network server from being used as the basis of an attack on a network client, the method comprising (column 43, lines 34-67; column 248, lines 38-45) and restricting access to said network server to a portion of said network server for at least a selected protocol (column 17, directory services; column 276, line 34-277, line 24). Guheen does not explicitly disclose scanning said portion of said network server for particular characters, said particular characters being associated with said selected protocol and removing said particular characters such that a security risk posed by said selected protocol is reduced.

Green, however, discloses a commerce server security system wherein attackers or external users are prevented from subverting the server and uploading an executable file (column 29, line 3 - column 30, line 43). Therefore, it would have been obvious to

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one of ordinary skill in the art at the time of the invention to modify Guheen's network security system to include processes and data objects wherein regions of internal and external burbs associated with a trusted commerce server can prevent harmful or unwanted characters to infiltrate and compromise a network, as per teaching of Green (column 5, line 52-column 7, line 55).

16. As per **claim 7**, Guheen further discloses the method of claim 5, wherein said editing of said executable commands comprises replacing particular characters within said executable commands (column 272, line 30-column 259, line 30).

17. As per **claim 8**, Guheen further discloses the method of claim 5, further comprising rejecting a request when said request contains said executable command having a hostile character (column 273, lines 16-34; column 280, lines 19-39).

18. As per **claim 9**, Guheen further discloses the method of claim 5, further comprising logging said executable commands to form a security log (column 266, lines 12-21, column 268, lines 20-36, column 286, lines 13-58).

19. As per **claim 10**, Guheen further discloses the method of claim 9, further comprising reviewing said security log to determine whether said executable commands are hostile (column 43, line 34-column 44, line 8).

20. As per **claim 11**, Guheen further discloses the method of claim 5, wherein said protection of the network server is accomplished during an electronic purchase transaction (column 251, lines 34-36).

21. As per **claim 12**, Guheen further discloses the method of claim 11, wherein the electronic purchase transaction is conducted using a digital wallet (column 17, java wallet; column 261, lines 30-53).

22. As per **claim 51**, Guheen further discloses the method of claim 5, wherein the executable commands cause an unwanted action when executed (column 273, lines 16-34; column 280, lines 19-39).

23. As per **claim 52**, Guheen further discloses the method of claim 5, wherein the executable commands are malicious (column 273, lines 16-34; column 280, lines 19-39).

24. As per **claim 53**, Guheen further discloses the method of claim 5, further comprising receiving a request for connection at said network server from network client (column 17, java wallet; column 261, lines 30-53).

25. As per **claim 54**, Guheen further discloses the method of claim 5, further comprising verifying that a response from said network server to said network client is

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void of said executable commands (fig 88, 2700; allowing browser-based authentication with user verification data).

26. As per claim 55, Guheen further discloses the method of claim 5, further comprising providing said response from said network server to said network client (fig 88, 2702; granting access to at least one of application and system data based on the user verification data).

27. As per claim 56, Guheen further discloses the method of claim 5, wherein said programming language comprise javascript (col. 29, lines 5-15, which discloses that a preferred embodiment is written using Java...; column 17, java wallet; column 261, lines 30-53; column 34, lines 10-60).

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art ad are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles C.L. Agwumezie whose number is **(571) 272-6838**. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on **(571) 272 – 6709**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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/Charlie C Agwumezie/
Examiner, Art Unit 3685
July 25, 2008

/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 3685